

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

SUN LIFE ASSURANCE COMPANY
OF CANADA,

Plaintiff,

v.

Case Number 06-15266-BC
Honorable Thomas L. Ludington

LINDA BUCHOLTZ, CLIFFORD
HOLLADAY, and LESLIE HOLLADAY,

Defendants.

_____ /

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT, GRANTING DEFENDANT
LESLIE HOLLADAY'S MOTION FOR DISBURSEMENT OF FUNDS, DIRECTING
THE WITHDRAWAL OF FUNDS IN INTEREST BEARING ACCOUNT PURSUANT
TO LR 67.1(b), AND DISMISSING THE COMPLAINT**

This matter is before for the Court on a report issued by Magistrate Judge Charles E. Binder on September 21, 2007 recommending that the Court grant Defendant Leslie Holladay's motion for disbursement of funds pursuant to local rule 67.1(b). E.D. Mich. LR 67.1(b). None of the parties to this action filed objections to the report and recommendation. A party's failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Federation of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [Dkt. # 19] is **ADOPTED** and Defendant Leslie Holladay is determined to be the rightful beneficiary of Ralph Holladay's Sun-Life Assurance Company life insurance policy.

It is further **ORDERED** that Defendant Leslie Holladay's motion for disbursement of funds

[Dkt. # 17] is **GRANTED**.

It is further **ORDERED** that upon approval of this proposed withdrawal Order, after review by the Clerk or his/her designee as to form, prior to submission to this Court, that the funds held in the interest bearing account in this cause, shall be withdrawn as follows:

That the principal amount of \$3,000.00 shall be payable to Leslie Holladay, Social Security Number XXX-XX-0078, 22005 Fairlane Boulevard Woodhaven, Michigan, 48183 and that 100% of the interest accrued shall be payable to Leslie Holladay.

It is further **ORDERED** that Plaintiff's complaint is **DISMISSED**.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: January 28, 2008

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on January 28, 2008.

s/Tracy A. Jacobs
TRACY A. JACOBS